

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

|                           |   |                       |
|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, | ) |                       |
|                           | ) |                       |
| Plaintiff,                | ) |                       |
|                           | ) |                       |
| v.                        | ) | No. 4:13-CR-00211-DGK |
|                           | ) |                       |
| DALE D. MITCHELL, JR.     | ) |                       |
|                           | ) |                       |
| Defendant.                | ) |                       |

**ORDER DENYING REQUEST FOR SUBSTITUTE ATTORNEY**

On August 4, 2021, the Court revoked Defendant's supervised release due to his failure to abide by conditions requiring he refrain from use of a controlled substance and sentenced him to a nine-month term of imprisonment. ECF No. 99. Defendant intends to appeal and requests the Court appoint him a different attorney. ECF No. 100.

"It is well established that a defendant does not have the absolute right to the counsel of his choice." *United States v. Mentzos*, 462 F.3d 830, 839 (8th Cir. 2006). As the Eighth Circuit has explained:

To warrant substitute counsel, a defendant must show justifiable dissatisfaction with appointed counsel [such as] a conflict of interest, an irreconcilable conflict, or a complete breakdown in communication between the attorney and the defendant. The defendant's right to counsel, however, does not involve the right to a meaningful relationship between an accused and his counsel.

*Hunter v. Delo*, 62 F.3d 271, 274 (8th Cir. 1995) (internal quotations and citations omitted). Defendant does not state any reason why the Court should substitute his current counsel. Defendant's motion is therefore DENIED.

**IT IS SO ORDERED.**

Date: August 18, 2021

/s/ Greg Kays  
GREG KAYS, JUDGE

UNITED STATES DISTRICT COURT